



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

ROSALIND RENEE JACKSON,	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION 3:23-3346-MGL-SVH
	§	
FORTIS COLLEGE; JENNIFER YARNELL;	§	
YVETT SPEES; JIM HERBST; and ERIC	§	
GOODMAN,	§	
Defendants.	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND DISMISSING THE ACTION WITHOUT PREJUDICE**

Plaintiff Rosalind Renee Jackson (Jackson) filed this lawsuit against the above-named defendants. She is representing herself.

The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge recommending to the Court Jackson's action be summarily dismissed without prejudice to bring in an appropriate court. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on July 20, 2023, and Jackson filed her objections on August 7, 2023.

The Magistrate Judge suggests the Court dismiss Jackson's action because it lacks subject matter jurisdiction over it. In Jackson's objections, she takes two pages to list the total number of questions she answered correctly on various examinations, the number of questions administered, etc. She also makes several references to the twenty-seven page attachment to her objections. But, Jackson fails to address how the Court might have subject matter jurisdiction over her lawsuit. This failure is fatal to her claims in this Court. Therefore, the Court will overrule her objections and dismiss her case.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court Jackson's action is **DISMISSED WITHOUT PREJUDICE** so that she can bring it in an appropriate court if she wishes to do so.

IT IS SO ORDERED.

Signed this 7th day of August, 2023, in Columbia, South Carolina.

/s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.